

REMARKS/ARGUMENTS

Claims 19 and 23 remain pending in the instant application. Favorable reconsideration is kindly requested.

Rejection Under 35 U.S.C. §102

Claims 19 and 23-28 are rejected under 35 U.S.C. §102(b) as anticipated by Japanese Published Patent Application Publication No. JP 7-22361 by Hiromasa, *et al.* (“Hiromasa”). Applicants respectfully traverse the rejection, for at least the following reasons.

The Office Action cites to Figure 10 of Hiromasa and particularly structures 50, 51 as allegedly reading on the annular outer gas discharge ports, and inner nozzles 7, 30 as allegedly reading on the recited single inner gas discharge port and processing solution discharge port. Applicant respectfully disagrees. According to Hiromasa, the hole 52 is opened in order that feed pipe 30 may pierce through the center of cone 51. This is most clearly shown in Figure 2 where an inner gas nozzle, *i.e.*, the tip of the feed pipe 30, is provided in a central location, not an eccentric location as recited in independent claim 19. Moreover, independent claim 19 further recites an annular outer gas discharge port between an outer peripheral surface of the inner shaft, which includes the eccentric gas discharge port, and an inner peripheral surface of the support cylinder. That is, the annular outer gas discharge port is radially outward of the inner gas discharge port, as the nomenclature would suggest. Hiromasa does not teach or suggest this arrangement. To the contrary, the Office Action asserts that what would more accurately be described as an outer port of Hiromasa reads on what claim 19 recites as an eccentrically located inner port. Under this reading, Hiromasa provides no structure radially further outward that would correspond to an annular outer gas port also recite in the present independent claim 19.

Hiromasa neither teaches nor suggests both a single inner gas discharge port arranged eccentrically to the center of the substrate and an annular outer gas discharge port, both of which features are explicitly recited in claim 19. Applicants respectfully submit that a more rigorous consideration of all recited claim language with respect to the allegedly anticipatory reference would make this distinction clear on the record. The courts have recently reiterated the strict identity standard to find anticipation stating “Because the hallmark of anticipation is prior

invention, the prior art reference – in order to anticipate under 35 U.S.C. §102 – must not only disclose all elements of the claim within the four corners of the document, but must also disclose these elements ‘arranged as in the claim.’ ” *Net MoneyIn, Inc. v. Verisign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008).

Therefore, Applicants respectfully submit that independent claim 19 is patentably distinguished over Hiromasa, for at least the foregoing reasons. Dependent claim 23 depends from claim 19 and incorporates its features by reference. While claim 23 is separately patentable, in the interest of brevity it is offered as patentable for at least the same reasons as its underlying independent base claim, noted above. Applicants respectfully submit that the rejection is therefore poorly taken, and kindly requests favorable reconsideration and withdrawal.

Claims 19 and 22-28 are rejected under 35 U.S.C. §102(b) as anticipated by Japanese Published Patent Application No. JP 2000-156363 by Hiromi (“Hiromi”). Applicants respectfully traverse the rejection, for at least the following reasons.

In its equally brief application of Hiromi, the Office Action alleges that nozzles or ports 28 allegedly correspond to the outer annular gas discharge ports recited in independent claim 19. Applicant respectfully disagrees. Drawing the Examiner’s attention to Figures 1 and 2 of Hiromi, radially outer nozzles or ports 28 are disclosed as discrete and circular, distributed about the circumference of blocking plate 12. The ports are not annular and therefore do not correspond to the recited claim structure of independent claim 19. Moreover, referring to Figures 1 and 3, Hiromi fails to teach or suggest a single inner gas discharge port arranged eccentrically to a center of the substrate, as also explicitly recited in independent claim 19. Here again, a more thorough consideration of all recited claim language illustrates the clear structural differences between independent claim 19 and the applied reference.

Therefore, Applicants respectfully submit that independent claim 19 is likewise patentably distinguished over Hiromi. Dependent claim 23 depends from and incorporates the features of independent claim 19 by reference. While again separately patentable, in the interest of brevity dependent claim 23 is offered as patentable for at least the same reasons as its underlying independent base claim. Therefore, Applicants respectfully submit that the rejection has been poorly taken, and kindly requests favorable reconsideration and withdrawal.

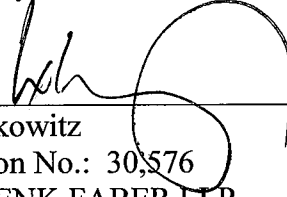
Conclusion

In light of the foregoing, Applicants respectfully submit that all claims are allowable, and that the application is in condition to pass to issue. An early and favorable Notice of Allowability is kindly requested.

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MM/DJT:lf

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Max', is written over a horizontal line.

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